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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,184	03/13/2001	Makoto Kawai	107439-00034	9202

7590 03/06/2002

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EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

NY

Office Action Summary

Application No.

09/804,184

Applicant(s)

KAWAI ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 3, 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Asano et al** [US 5,157,610].

Regarding claims 1, the claimed on-vehicle unit (the vehicle mounted station 105, see Figs. 1-3, col. 2, lines 25-34, col. 6, lines 14-68 and col. 7, lines 1-22); and the data server (vehicle information service center or vehicle dealership comprising host computer station 25 and transceiver 11 for receiving the vehicle monitored conditions from the transceiver 5 of vehicle mounted station 105 through telecommunication path 10 which may be wire or wireless or a radio link, see Figs. 1 and 5-7, col. 2, lines 9-24, 35-44, col. 5, lines 50-68, col. 6, lines 1-6, col. 7, lines 31-68 and col. 8, lines 1-22); and the storage section (the storage means data base 16, see Figs. 1 and 5, col. 3, lines 51-53, col. 4, lines 16-26, col. 5, lines 59-63 and col. 8, lines 21-24); and the abnormality determining section (the host computer station 25 compares, diagnostic and evaluates the received vehicle monitored conditions for determining of the deterioration amount and remaining life of the vehicle sensors or injectors, and to provide an indicative

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warning by an aural means and a display means according thereto, see Figs. 5-7, col. 2, lines 58-66, col. 3, lines 13-17 and col. 8, lines 22-49).

Regarding claim 2, the claimed storage section and the abnormality determining section are provided in the on-vehicle unit (the vehicle mounted station 105 includes a ROM 21, RAM 22 for storing data and the CPU 7 for determining of the abnormality, see Figs. 1 and 2, col. 3, lines 21-22, col. 6, lines 14-68 and col. 7, lines 1-7).

Regarding claim 3, all the claimed subject matters are cited in respect to claim 1 above, storage means data base 16, see Fig. 1.

Regarding claim 8, all the claimed subject matters are cited in respect to claim 1 above.

Regarding claim 13, all the claimed subject matters are cited in respect to claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 4-7, 9-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asano et al** [US 5,157,610] in view of **Joao** [US 5,917,405].

Regarding claim 4, **Asano et al** fails to disclose the portable communicator for communicating with the data server, wherein the server communicator sends the abnormality information signal output from the abnormality determining section to the portable communicator. However, **Asano et al** teaches that the host computer station 25 includes a transceiver 11 for transmitting an aural/visual warning signals indicating of vehicle sensors/injectors deteriorations and their remaining life to the transceiver 5 of vehicle mounted station 25 through a telecommunication communication path 10. The aural/visual is provided to warn the driver, see Figs. 1, 2 and 5-7, col. 5, lines 50-63.

Joao suggests of a portable communicator (the personal communication services PCS 150 such as personal digital assistants, display telephones, electronically equipped watches and/or display cellular telephones for communicating vehicle data and information to/from the computer server 510 and/or the vehicle receiver 3 and transmitter 4, see Figs. 5B and 11B, col. 3, lines 50-58 and col. 15, lines 24-34 and col. 27, lines 58-62. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the PCS of **Joao** to the telecommunication path of **Asano et al** because the portable display cellular telephones are available in the market for providing convenience to the user to communicate with any web, internet or telecommunication system at any location and time, wherein the display cellular telephone can be located inside the vehicle or outside the vehicle such that the

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user/driver can be notified of the deterioration and remaining life of the vehicle sensors/injectors immediately to prevent of further damage or accident.

Regarding claims 5-7, all the claimed subject matters are cited in respect to claims 1 and 4 above.

Regarding claims 9-12, all the claimed subject matters are cited in respect to claims 4 and 8 above.

Regarding claims 14-17, all the claimed subject matters are cited in respect to claims 4 and 13 above.

Conclusion

3. Examiner is very regrettably to have a new ground of rejection based on the response filed on 08 February 2002 and the update search. A new reference of Asano et al provides a smoother rejection.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mandhyan et al discloses a monitoring traffic system comprising a central station computer to receiver vehicle information and data, which are processed and compared to identify the existence of abnormal condition and to quantify the abnormality. A

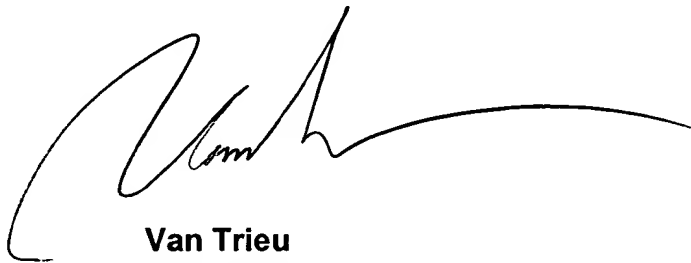
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cellular telephone is included to provide an opportunity for driver communication with the central station. [US 5,539,645]

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to primary examiner **Van Trieu** whose telephone number is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 2/27/02